

NOT FOR PUBLICATION

JAN 24 2008

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTOPHER ESPINOZA,

Defendant - Appellant.

No. 06-30634

D.C. No. CR-03-00027-RFC-02

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN and PAEZ, Circuit Judges.

Christopher Espinoza appeals from the 108-month sentence imposed upon resentencing following his jury-trial conviction for conspiracy to possess with intent to distribute methamphetamine, possession with intent to distribute

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

methamphetamine, conspiracy to possess marijuana, and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846, and 18 U.S.C. § 2. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Espinoza contends that the district court erred by failing to analyze the 18 U.S.C. § 3553(a) factors and by imposing a sentence that was greater than necessary. We conclude that the district court properly considered the § 3553(a) factors and that the resulting sentence is not unreasonable. *See Gall v. United States*, 128 S.Ct. 586, 597-98 (2007).

AFFIRMED.